

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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XIAMIN ZENG *a/k/a* “AIMEE ZANE,

Plaintiff,

-against-

**DECLARATION OF  
CHRISTOPHER D. DELUCA,  
IN SUPPORT OF  
DEFENDANTS’ MOTION TO  
DISMISS**

THE CITY OF NEW YORK, DETECTIVE DANIELLE  
FEBUS [RANK FY2000], INSPECTOR JOHN CHELL,  
DETECTIVE GARY DENEZZO [RANK FY2000],  
SERGEANT GEORGE TAVERES (#5354), POLICE  
OFFICER IRWIN LUPERON (SHIELD NO. 27763),  
POLICE OFFICER ERLENE WILTSHIRE (SHIELD NO.  
#24340), *and* POLICE OFFICER CHRISTOPHER  
ROBLEY (#23263), *both in their individual and  
professional capacities,*

19-CV-3218 (JGK) (KHP)

Defendants.

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**CHRISTOPHER D. DELUCA**, an attorney duly admitted to practice in the  
State of New York, declares pursuant to 28 U.S.C. §1746, under penalty of perjury, that the  
following is true and correct:

1. I am a Senior Counsel in the Office of Georgia M. Pestana, Acting  
Corporation Counsel of the City of New York, and the attorney representing Defendants City of  
New York, Gary DeNezzo, Danielle Febus, Erlene Wilshire, and Irwin Luperon (hereinafter  
“Defendants”) in the above-referenced action. As such, I am familiar with the facts stated below  
and submit this declaration to place the relevant document on the record in support of  
Defendants’ Motion to Dismiss the Second Amended Complaint.

2. Annexed hereto as Exhibit “A” is a true and accurate copy of plaintiff’s Second Amended Complaint (“SAC”) filed on June 7, 2021, in the United States District Court for the Southern District of New York.

3. Annexed hereto as Exhibit “B” is a true and accurate copy of Complaint Report No. 2017-075-000672, which sets forth, among other things, that on January 13, 2017, a complaining victim entered the NYPD 75<sup>th</sup> precinct and reported that on January 11, 2017: (1) he received a call from a “voice which he recognized to be his ex-girlfriend,” plaintiff, who said to him, “[g]ive me back my camera or I will kill you;” and (2) he had an order of protection against plaintiff at the time that she threatened to kill him.

4. Annexed hereto as Exhibit “C” is a true and accurate copy of the Family Court Order of Protection dated December 15, 2016, which sets forth, among other things, that plaintiff was ordered to, among other things, “refrain from assault, stalking, harassment, aggravated harassment, menacing, . . . intimidation, threats, or any criminal offense against” the complaining victim.

5. Annexed hereto as Exhibit “D” is a true and accurate copy of the NYPD Active Investigation Card for Complaint No. 2017-075-00627, pursuant to which plaintiff was “[s]ought as perpetrator – probable cause to arrest,” for a violation of PL 215.51.

6. Annexed hereto as Exhibit “E” is a true and accurate copy of NYPD Arrest Report No. K18606959, which sets forth, among other things, that on January 31, 2018, plaintiff was arrested for a violation of PL 215.51.

7. Annexed hereto as Exhibit “F” is the Criminal Court Complaint, dated January 31, 2018, which sets forth, among other things, that plaintiff was charged with (1) two counts of criminal contempt in the first degree; (2) criminal contempt in the second degree, (3)

aggravated harassment in the second degree; and (4) harassment in the second degree for violating a full order of protection issued by family court.

8. Annexed hereto as Exhibit “G” is the Certificate of Disposition for Docket No. CR-005716-18KN, dated August 9, 2019, which sets forth, among other things, that all five charges against plaintiff were ultimately dismissed.

Dated: New York, New York  
July 16, 2021

GEORGIA M. PESTANA  
Acting Corporation Counsel  
of the City of New York  
*Attorney for Defendants City of New York, Gary  
DeNezzo, Danielle Febus, Erlene Wiltshire, and  
Irwin Luperon*  
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Christopher D. DeLuca  
*Senior Counsel*  
Special Federal Litigation Division

cc: **BY ECF**  
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